



OFFICE OF DIVERSITY AND EQUITY

DISCRIMINATION COMPLAINT PROCEDURES

1. Reporting Discrimination and/or Retaliation

Western Connecticut State University (“WCSU” or “University”) is committed to addressing discrimination and/or retaliation complaints promptly, consistently and fairly. Members of the University community, as well as visitors, may promptly report any allegations of discrimination or retaliation to the individuals set forth below:

- a) Applicants, employees, visitors and students with discrimination or sexual misconduct complaints should raise their concerns with the Chief Diversity Officer/ADA and Title IX Coordinator (and/or an assigned designee²).
- b) Applicants, employees, visitors and students with complaints of sexual harassment or sexual violence, including sexual assault, stalking, domestic and intimate violence, should follow the process outlined in the University’s Sexual Misconduct Reporting, Supportive Services and Processes Policy and the [CSCU Discrimination Complaint Policy and Procedures](#).
- c) There are separate procedures under which applicants, employees, visitors and students may request and seek review of a decision concerning reasonable accommodations for a disability, which are set forth in the procedures on Reasonable Accommodation. (must include drafted link upon approval)

2. Preliminary Review of Employee, Student, or Visitor Concerns

Individuals who believe they have experienced discrimination and/or retaliation should promptly contact the Chief Diversity Officer/ADA and Title IX Coordinator (and/or an assigned designee³) to discuss their concerns, with or without filing a complaint. Following the discussion, the Chief Diversity Officer/ADA and Title IX Coordinator (and/or an assigned designee⁴) will inform the complainant of the options available. These include seeking informal resolution of the issues the Complainant has encountered or the university conducting a full investigation. Based on the facts of the complaint, the Chief Diversity Officer/ADA and Title IX Coordinator (and/or an assigned

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designee⁵) may also advise the Complainant that the situation is more suitable for an alternate resolution.

3. Filing a Complaint

Following the discussion with the Chief Diversity Officer/ADA and Title IX Coordinator (and/or an assigned designee⁶), individuals who wish to pursue a complaint of discrimination and/or retaliation should be provided with a copy of the newly revised discrimination complaint form. Complaints should be made in writing whenever possible, including in cases where the Complainant is seeking an informal resolution. The Complainant will be asked to write out (in chronological order) the event(s) and/or incident(s) to describe in their own words the allegation(s) set forth in the filed complaint. During this time, the Complainant may have assistance from a representative/advocate of their choice at any time during this process.

4. Informal Resolution

Individuals who believe they have been discriminated or retaliated against may choose to resolve their complaints informally. Informal resolution is a process whereby parties can participate in a search for fair and workable solutions. The parties may agree upon a variety of resolutions, including but not limited to modification of work assignment, training for a department, or an apology. The Chief Diversity Officer/ADA and Title IX Coordinator will determine if an informal resolution is appropriate in light of the nature of the complaint. Informal resolution requires the consent of both the complainant and the respondent and suspends the complaint process for up to thirty (30) calendar days, which can be extended upon consent of both parties, at the discretion of the Chief Diversity Officer/ADA and Title IX Coordinator.

Resolutions should be agreed upon, signed by, and provided to both parties. Once both parties reach an informal agreement, it is final. Because informal resolution is voluntary, sanctions may be imposed against the parties only for a breach of the executed voluntary agreement.

The Chief Diversity Officer/ADA and Title IX Coordinator or either party may at any time, prior to the expiration of thirty (30) calendar days, declare that attempts at informal resolution have failed. Upon such notice, the Chief Diversity Officer/ADA and Title IX Coordinator may commence a full investigation. If no informal resolution of a complaint is reached, the Complainant may request that the Chief Diversity Officer/ADA and Title IX Coordinator conduct a full investigation of the complaint.

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5. Investigation

A full investigation of the filed complaint may commence when it is warranted after a review and determination by the Chief Diversity Officer/ADA and Title IX Coordinator (and/or an assigned designee⁷) that the complaint has merit for investigation, or after informal resolution has failed. It is recommended that the intake and investigation include the following, to the extent feasible:

a) Formal intake for the Complainant

An intake designee (i.e., WCSU Deputy Title IX Coordinator) will review the information obtained from the Complainant (including the names of any possible witnesses), and explain to the Complainant (if the basis is merited) that an investigation will commence by the Chief Diversity Officer/ADA and Title IX Coordinator.

b) Formal interview(s) of the Complainant and other parties

The Chief Diversity Officer/ADA and Title IX Coordinator will schedule and conduct interview(s) needed with the Complainant, arrange the scheduled interviews with all involved parties (i.e., Complainant – as follow up, identified witnesses and the Accused/Respondent) and possibly other people will be contacted, and that the President will determine what action, if any, to take after the investigation is completed.

c) Interviewing the Accused/Respondent

The Chief Diversity Officer/ADA and Title IX Coordinator will notify and provide a written notice of the filed complaint to the Accused/Respondent unless circumstances warrant otherwise. Additionally, the Accused/Respondent is informed that an investigation will commence and that the Accused/Respondent is entitled to a choice of representation, which can be:

- A collective bargaining/union representative;
- A support person who is unaffiliated with your employer (i.e., family member, friend, counselor, etc.);
- A retained legal advisor and/or counsel; or
- An assigned WCSU representative

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The Accused/Respondent will be provided with a list of their rights and interim support measures during the investigation for the use and discretion of the Accused/Respondent.

An Accused/Respondent employee who is covered by a collective bargaining agreement may consult with, and have, a union representative present at any time of the investigation.

The Accused/Respondent must be informed that retaliation against any person who files a complaint of discrimination, participates in an investigation, or opposes a discriminatory employment or educational practice or policy is prohibited under this policy and federal, state, and city laws. The Accused/Respondent should be informed that if retaliatory behavior is engaged by either the Accused/Respondent or anyone acting on his/her behalf, the Accused/Respondent may be subject to disciplinary charges, which, if sustained, may result in penalties up to and including termination of employment, or permanent dismissal from the university if the Accused/Respondent is a student.

d) Reviewing other evidence

The Chief Diversity Officer/ADA and Title IX Coordinator should determine if, in addition to the Complainant, the accused/respondent, and those persons named by them, there are others who may have relevant information regarding the events in question, and speak with them. The Chief Diversity Officer/ADA and Title IX Coordinator should also review documentary evidence that may be relevant to the complaint.

6. Withdrawing a Complaint

A complaint of discrimination may be withdrawn at any time during the informal resolution or investigation process. Only the Complainant may withdraw a complaint. Requests for withdrawals must be submitted in writing to the Chief Diversity Officer/ADA and Title IX Coordinator (and/or an assigned designee⁸). The university reserves the right to continue with an investigation if it is warranted. In a case where the university decides to continue with an investigation, it will inform the complainant.

In either event, the Accused/Respondent must be notified in writing that the Complainant has withdrawn the complaint and whether university officials have determined that continuation of the investigation is warranted for corrective purposes.

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7. Timeframe

While some complaints may require extensive investigation, whenever possible, the investigation of a complaint should be completed within a ninety (90) calendar days of the receipt of the complaint unless there are mitigating circumstances where more time is needed. In the event of a Title IX Complaint, please review the timeframe per the *Title IX investigation procedures* as timeframe varies in these circumstances.

8. Action Following Investigation of a Complaint

- a) Promptly following the completion of the investigation, the Chief Diversity Officer/ADA and Title IX Coordinator will report and document the investigation findings in an investigative report to the President. In the event that the Accused/Respondent or Complainant are student(s), the Chief Diversity Officer/ADA and Title IX Coordinator will also report the investigative findings to the Chief Student Affairs Officer and the Office of Judicial Affairs (if action is needed).
- b) Following such report, the President will review the investigation report and, when warranted by the facts, authorize such action as deem necessary to properly correct the effects of or to prevent further harm to an affected party or others similarly situated. This can include commencing action to discipline the Accused/Respondent under applicable university by-laws and/or collective bargaining agreements.
- c) The Complainant and the Accused/Respondent should be apprised in writing of the outcome and action, if any, taken as a result of the filed complaint.
- d) The President will sign the investigative report that will go into an investigation file, stating what, if any, action will be taken pursuant to the investigation.
- e) If the President is the Accused/Respondent, the CSCU System Office will appoint an Investigator who will report the investigation findings to the CSCU President. The CSCU President will determine what action will be taken, and such decision will be final.

9. Immediate Preventive Action

The President may take whatever action is appropriate to protect the university community in accordance with applicable university by-laws and collective bargaining agreements.



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10. False and Malicious Accusations

Members of the university community who make false and/or malicious complaints of discrimination, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to immediate, corrective action.

11. Anonymous Complaints

All complaints will be taken seriously, including anonymous complaints. In the event that a complaint is anonymous, the complaint should be investigated as thoroughly as possible under the circumstances.